

Report on the

ELEVATOR SAFETY REVIEW BOARD

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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May 24, 2006

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Elevator Safety Review Board** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Elevator Safety Review Board** in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority:

The Alabama Elevator Safety Review Board was established effective September 1, 2003 by *Acts of Alabama*, Act 2003-349, to ensure the safe construction and operation of elevators in public access buildings within the state. The board was created to be administered within the Alabama Department of Labor to regulate the construction, installation, inspection, maintenance, and repair of elevators. Statutes provide for regulation of the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, platform lifts, stairway chairlifts, escalators, moving walks, dumbwaiters, and automated people movers accessible by the general public. Act 2003-349 providing the statutory authority for the creation and operation of the board is codified as the *Code of Alabama 1975*, Sections 25-13-1 through 25-13-25.

Board Characteristics:

Members	10
Term	<p>Upon the expiration of the original terms of office, the terms must be staggered so that</p> <ul style="list-style-type: none">• Three successors serve terms of office for one year each;• Three successors serve terms of office for two years each;• Three successors serve terms of office for three years each. <p>Thereafter, each successor member must be appointed to a three-year term. The administrator (Commissioner of Labor) serves ex officio as the 10th member.</p>
Selection	<ul style="list-style-type: none">• Commissioner of the Alabama Department of Labor• Nine members, appointed by the Governor

Qualifications	<p>Of the nine members appointed by the Governor one must be:</p> <ul style="list-style-type: none"> • A representative from a major elevator manufacturing company • A representative from an elevator servicing company • A representative of the architectural design profession • A representative of the general public • A representative of an Alabama municipality • A building owner or manager (No specific requirement that the building have an elevator) • Physically handicapped • A licensed professional engineer • A representative of labor involved in the installation, maintenance, and repair of elevators
Racial Representation	<p>No statutory requirement. No current minority race representation.</p>
Geographical Representation	<p>No statutory requirement.</p>
Consumer Representation	<p>One representative from the general public is required by the <i>Code of Alabama 1975</i>, Section 25-13-5(a). One member is serving.</p>
Other Representation	<p>Membership shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i>, Section 25-13-5(a).</p>
Compensation	<p>No compensation, but reimbursed for expenses incurred in performance of duties. <i>Code of Alabama 1975</i>, Section 25-13-5(b).</p>

Operations:

Administrator	<p>Jim Bennett, Commissioner Department of Labor (no additional salary for board duties)</p>
Location	<p>100 North Union St., Suite 620 Montgomery, AL 36130</p>

Type of License or Permit Issued	Elevator Contractors License Limited Elevator Contractors License Elevator Mechanics License Limited Elevator Mechanics License Elevator Inspectors License Installation Permit: <ul style="list-style-type: none"> • Elevators • Dumbwaiter and material lifts • Escalators • Private residence incline lifts and elevators • Special purpose personnel elevators and wheelchair lifts Major Alteration Permit One-year Operating Permit Temporary Operating Permit
Renewal	The <i>Code of Alabama 1975</i> , Section 25-13-12(a) states the administrator may issue a license which shall be renewable biennially.
Examinations	The <i>Code of Alabama 1975</i> , Section 25-13-8(a)(1) provides for examinations as a part of determining the qualifications and abilities of persons applying for an elevator mechanic license. The Elevator Safety Review Board developed and administers the examination and is given quarterly at the board office. There are no provisions for examination of persons applying for licenses as contractors and inspectors.
Continuing Education	8 hours to be completed within one year preceding license renewal with a conditional 90 day waiver available in the event a licensee is unable to complete 8 hours prior to renewal due to a temporary disability.
Reciprocity	Yes, the <i>Code of Alabama 1975</i> , Section 25-13-11 provides comity for holders of a valid license from another state having substantially equal standards.
Employees	3
Legal Counsel	Attorney General's Office – Jack Wallace, Jr.
Subpoena Power	None

Internet Presence	<p>The board's Internet presence is located at the Department of Labor's home page and can be accessed by clicking on the Safety Division link. http://www.alalabor.state.al.us/elevator.htm - contains:</p> <ul style="list-style-type: none"> • Link to the <i>Code of Alabama 1975</i>, Title 25, Chapter 13 • Link to board member listing and contact information • Links to downloadable applications; inspection reports; listing of Licensed Elevator Inspection Agencies; requirements for a Temporary Mechanics License and Emergency Temporary Mechanics License; and instructions for Elevator or Related Conveyance Temporary Certificate of Operation. • Frequently asked questions and responses
Attended Board Member Training	Ralph Pate, Chief Elevator Inspector

Financial Information:

Source of Funds	Inspection fees and fines, as provided by the boards enabling statutes.
State Treasury	Yes
Unused Funds	All fees are required by law to be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund. <i>Code of Alabama 1975</i> , Section 25-13-6(d). Unused funds are not retained by the agencies utilizing the General Fund. (See Significant Item #6)

SIGNIFICANT ITEMS

1. The Elevator Safety Review Board did not properly submit rule changes to the Legislative Reference Service, Thereby Rendering the Changes Void. The two rule changes approved by the board and the substance of the proposed amendments are: *Rule 490-2-2 (Board Powers and Standards)*, *Creation of requirement for licensees to replace single bottom jack every three years.* and *Rule 490-2-3 (Licensing and Fees)*, Although the board advertised the changes in the Administrative Monthly, as required, and approved the changes; the certification of final adoption was never submitted to the Legislative Reference Service, thus rendering the rule changes invalid.

The *Code of Alabama 1975*, Section 41-22-6(b) requires that, “The secretary of each agency shall file in the office of the Legislative Reference Service, no later than 15 days after the filing with the secretary of the agency and within 90 days after completion of the notice, in a form and manner prescribed by the Legislative Reference Service, a certified copy of each rule adopted by it. As used in this section, “completion of notice” means the end of the notice period specified pursuant to subdivision (1) of subsection (a) of Section 41-22-5. *A rule that is not filed with the Legislative Reference Service within the time limits prescribed in this subdivision is invalid.*”

Response - The Department of Labor through its Attorney prepared the rules approved by the board; these were advertised in the Administrative Monthly, as required. The Attorney who submitted these rules left the State Attorney General’s Office for other employment and did not advise us as to when these rules were submitted nor when we would require certification, and unfortunately they expired. We are in the process of re-writing these and additional rule changes. We will complete this process at the nearest date practical as mandated in the Alabama Administrative Monthly “Schedule for Publication”.

2. The board employs an elevator inspector who is not licensed as an elevator inspector by the board, as required by law. The board has hired a merit system employee to conduct safety inspections on elevators, escalators, platform and stairway chairlifts, dumbwaiters, moving sidewalks, automated people movers and other conveyances for the board, but the employee is not licensed by the board as an elevator inspector. Licensure by the board is not a requirement in the inspector’s merit system classification; however, the *Code of Alabama 1975*, Section 25-13-4(b) states that, “No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless an inspector’s license has been issued as described herein.” We find no exemption in the law that would apply to the board’s inspectors.

Response - The board does not employ an elevator inspector, however the Department of Labor does. This inspector has been issued a license to perform elevator safety inspections. His license number is 351 issued June 21, 2005. The file was not available at the time of the audit but license information was submitted to Mr. Yarbrough by the license database he requested prior to his visit. We have since established the file.

3. Proof of insurance by licensees is not required by the board beyond initial licensure.

The *Code of Alabama 1975*, Section 25-13-7(d)(6) states that applicants for licensure as an elevator contractor, elevator mechanic, or inspector must provide, “Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance.” The board interprets the law as requiring proof of insurance only at initial licensure, and the board is not requiring proof of insurance at renewal of license or change of employment by licensees. In addition, licensing is for two years, but proof of insurance for one year’s duration is accepted at initial licensure.

Response - Proof of insurance at the initial receipt of an application for each licensee has always been required. Proof of insurance at renewal has always been required as well. The finding that refers to a two year license being based on a one year insurance policy caused problems in the beginning, as it was difficult to track lapsed policies in our antiquated database. That has been corrected by implementing a new database which tracks required insurance expiration dates of licensees. Each licensee is required to submit a copy of the policy renewal for our records.

4. Licensees expect more information from the board. The following table shows how licensees responded to the question, “*Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of board positions, policies, rules and laws?*”

Licensing Classification	Yes	No	Unknown	No Opinion
Elevator Mechanics	10	19	2	1
Elevator Inspectors	4	9	1	0
Elevator Contractors	3	7	1	1
Limited Elevator Contractors/Mechanics	0	2	0	0

Response - The Department of Labor plans to issue a quarterly news letter to better inform the licensees of changes to and interpretations of board positions, policies, rules and laws.

STATUS OF PRIOR FINDINGS

Except for the following, all prior findings have been resolved.

Sunset Report dated September 8, 2004

5. Board rule 490-2-3-.04(1) is in conflict with the law. The rule provides that a license issued by the board shall be valid for two years for mechanics and one year for contractors and inspectors. The *Code of Alabama 1975*, Section 25-13-12(a) provides that licenses “shall be renewable biennially”.

Current Status: This condition remains. The board attempted to amend rule 490-2-3-.04(1) to correct the discrepancy. Although the board advertised the correction in the Administrative Monthly as required and approved the correction; the certification of final adoption of the rule

change was never submitted to the Legislative Reference Service, thus rendering the rule change void and ineffective.

Response - The two year license mandate is in effect now. No licenses are issued for one year duration. This is also to be addressed in the rule changes to be submitted to Legislative Publication as discussed in number 1 above.

6. Board fees are not deposited into the General Fund, as required by law. The *Code of Alabama 1975*, Section 25-13-6(d) states, “All fees collected by the administrator pursuant to this chapter shall be remitted to the State General Fund to the credit of the Department of Labor.” This was not done. Funds received by the board are being deposited into a separate Department of Labor fund consisting of federal and local funds rather than into the General Fund. Appropriations of board funds were made from the separate fund to the Department of Labor. This condition also exists with respect to the Boiler and Pressure Vessel Board, also administered by the Department of Labor.

For example, Act 2004-562 (general appropriation act) makes the following appropriations for the 2004-2005 fiscal year.

- The Department of Labor is appropriated \$314,658 from the General Fund.
- The Department of Labor is also appropriated \$1,090,748 from earmarked funds (the special fund).
- The named sources of the earmarked funds are \$90,748 from federal and local funds, with the remaining \$1,000,000 from fees received from operations of the Elevator Safety Review Board and the Boiler and Pressure Vessel Board.

The budget request presented by the board shows that the board properly requested the \$1,000,000 from the General Fund for operations for the two boards, but the appropriation act made the \$1,000,000 appropriation from the Labor Department’s special fund, and no operating funds for the boards were appropriated from the General Fund. Consequently, if the funds received from operations of these two boards are deposited into the General Fund as required by statute, the board could not pay for operations for two reasons:

- There would be no money in the special fund to pay for board operations, even though there is an appropriation from the fund for that purpose.
- Since there is no appropriation from the General Fund, the board could not pay for board operations from the General Fund.

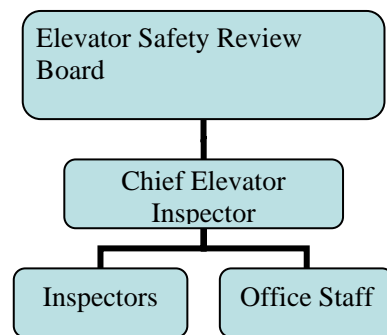
Current Status: This condition remains. Legislation to correct the problem was not worded so as effect the correction. Current law (after the corrective legislation) states that, “*All fees corrected by the administrator pursuant to this chapter shall be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund to credit of the board for its operations.*” This provision cannot be carried out because creation such a separate fund within the General Fund for exclusive use of the Elevator Safety Review Board is not compatible with the state’s accounting system.

The state’s accounting system requires that the board either operate from deposits into its own fund separate from the General Fund or operate from an account within the General Fund that

is funded by appropriations from the general revenues of the state. In the state's accounting system, deposits into the General Fund are not set aside for the use of any specific agency. An agency that operates from the General Fund does so through a separate account within the General Fund into which is placed an amount appropriated by the legislature from the state's general revenues. The balance of an agency's General Fund appropriation remaining at the end of each year is rescinded and is therefore not preserved for subsequent use by the agency. Normally, a board of this type operates from a separate fund outside the General Fund into which it makes deposits and from which it pays expenses. End of year balances are retained unless otherwise specifically provided by law.

Response - Board fees need to be deposited in the State Treasury to the credit of the Department of Labor. We are looking forward to assistance in this area.

ORGANIZATION



PERSONNEL

(Department of Labor employees dedicated to board operations)

Classification	Number of Employees	Race	Gender
Chief Elevator Inspector	1	White	Male
Elevator Inspector	1	White	Male
Clerk	1	White	Female

PERFORMANCE CHARACTERISTICS

Total Expenditure per Licensee (2004-2005 Fiscal Year) - \$252.88

Number of Persons per Licensee in Alabama and Surrounding States

	Population (Estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,557,808	413	11,036
Florida	17,789,864	2,471	7,199
Georgia	9,072,576	968	9,373
Mississippi	2,921,088	No license requirements	N/A
Tennessee	5,962,959	23 **	259,259

* July 1, 2005 Census Bureau Population Estimates Report

** State of Tennessee licenses only elevator inspectors.

Inspection Statistics

Year	2005	2004
Number of Inspections	5,114	3,084
Number of Violations	12,121	9,380

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complied with procedures as provided in the state's Administrative Procedure Act, which includes submitting proposed rules to the Legislative Reference Service for publication in the Administrative Monthly, and public hearings on proposed rules. However, the certification of final adoption on two rule changes was never submitted to the Legislative Reference Service, thus rendering the rule changes void (See Significant Items). According to management staff members, licensees are not individually notified of rule changes but are notified 30 days before the effective date of rule changes through postings on the board's web site at:

<http://www.alalabor.state.al.us/elevator.htm>

Overlap of Regulation by Other Entities

The Alabama Department of Public Health, State Building Commission and local fire departments inspect some building elevator hoistways and machine rooms during construction and otherwise. The *Code of Alabama 1975*, Section 25-13-3(1) states that,

(a) Unless otherwise provided herein, this chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways:

- (1) Hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings. This equipment includes, but is not limited to, the following:
 - a. Elevators.
 - b. Platform lifts and stairway chairlifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following:

- a. Escalators.
- b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following:

- a. Dumbwaiters.
- b. Material lifts and dumbwaiters with automatic transfer devices.

Complaint Resolution

Rules 490-2-4-.01 through 490-2-4-.07 of the board's administrative code establishes the procedures for documentation, receipt and investigation used in the complaint process relating to board licensees and/or illegal practices. A person may file a complaint with the board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. In the event a complaint is filed with the board, the board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the board which appears to violate the law or these rules.

The board does not have a database dedicated to recording, monitoring and resolution of complaints. The data from two complaints initiated by the board were not captured in an electronic file format. The lack of a complaint database reduces (a) the board's ability to monitor the status of an individual complaint; (b) production of informative and timely reports that could show the status of all complaints; (c) production of a licensee's complaint history; (d) statistical data comparisons; and (e) the gathering of important dates pertinent to the monitoring of case investigations and resolutions.

Initial Documentation	A person may file a complaint with the board in writing, setting forth a full statement of the facts concerning the alleged infraction of the elevator licensing law or rules. (<u>Administrative Code, Section 490-2-4-.01</u>). A person may register a complaint against a mechanic or inspector licensed by the board by filing a written complaint with the Department of Labor. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The board may also initiate a license review procedure on its own motion by filing a complaint with the department. (<u>Administrative Code, Section 490-2-4-.03(1)</u>).
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<p>Informal Disciplinary Procedure</p>	<p>If the respondent is a licensee of the board, the department will docket the complaint and open an investigation file under the name and license number of the person. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Attorney General or the Office of the District Attorney having jurisdiction over the case.</p> <p>An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint. (<u>Administrative Code, Section 490-2-4-.03</u>).</p> <p>The department will send written notice of the initiation of an investigation to the licensee against whom the complaint has been filed. The notice shall include a copy of the complaint and a copy of the statute and administrative rules. The notice will inform the licensee that inquiries or materials regarding the investigation should be addressed to the investigating panel at the address of the department. The department will send written notice to the board and the complainant indicating that an investigation has been instituted.</p> <p>The inspector assigned to investigate the complaint shall inspect the work which is the subject of the complaint and interview the complainant. The inspector may also meet and interview the licensee at the direction of the Assistant Attorney General or District Attorney assigned to the matter. (<u>Administrative Code, Section 490-2-4-.04</u>).</p> <p>At the conclusion of the investigation the Assistant Attorney General or District Attorney assigned to the matter shall make a recommendation as to whether formal proceedings should commence against the licensee. If the licensee is willing to admit to the charges the Assistant Attorney General or District Attorney may explore the possibility of a stipulated settlement. If no disciplinary action is recommended the case will be closed and the complainant and the licensee will be notified that no further action will be taken at this time. The matter may be reopened if new evidence is presented. (<u>Administrative Code, Section 490-2-4-.05</u>).</p>
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Formal Hearings	<p>If formal disciplinary proceedings are recommended, the board will give written notice of the specific factual allegations and charges placed against the respondent and the time and place of a hearing of the charges by the board, or the board may appoint a person to act on its behalf as hearing officer at its administrative hearings.</p> <p>Formal charges are sent to the respondent and comply with the requirements of the Alabama Administrative Procedures Act and are served in a timely manner as prescribed by law. The person charged with a violation appears before the members of the board or hearing officer for an administrative hearing. The person being charged has the right to an attorney to be present at the time of the hearing. Both the board and the licensee have the right to present testimony and each party has the right of cross-examination. (<u>Administrative Code, Section 490-2-4-.06</u>).</p>
Resolution/Disposition	<p>In assessing the penalty for code violations the administrator or administrator's designee shall consider the seriousness of the hazard, the number of people exposed to the hazard, whether or not the violation was corrected after notification of its existence, and whether the person has been disciplined for the same or similar violation previously. When a monetary penalty is assessed the fine shall range from \$250 - \$1,500 per offense.</p> <p>Administrative penalties issued under these rules shall not be construed to limit the authority of the administrator to issue orders, revoke permits, revoke licenses or take any other appropriate enforcement action in addition to the administrative fines. (<u>Administrative Code, Section 490-2-4-.07</u>).</p>
Anonymous Complaints	Anonymous complaints are not accepted.

FINANCIAL INFORMATION

Schedule of Fees

<i>License/Renewal</i>	<i>Statutory Authority</i>	<i>Amount</i>
Elevator Contractor's License	25-13-6(d)	\$300.00
Elevator Contractor's License Renewal (biennial)	25-13-6(d)	\$200.00

Limited Elevator Contractor's License	25-13-6(d)	\$300.00
Limited Elevator Contractor's License Renewal (biennial)	25-13-6(d)	\$200.00
Elevator Mechanics License (Initial and biennial renewal)	25-13-6(d)	\$100.00
Elevator Inspectors License	25-13-6(d)	\$100.00
Elevator Inspectors License Renewal (biennial)	25-13-6(d)	\$200.00
Late Renewal Fee *	25-13-6(d)	\$25.00

* If a license is allowed to lapse it may be renewed within one year of its expiration date by the payment of \$25.00 in addition to the renewal fee.

<i>Installation Permits * (Per Unit)</i>	<i>Statutory Authority</i>	<i>Amount</i>
Elevators, per unit		\$400.00
Plus, for each floor		\$15.00
Dumbwaiter and material lifts	25-13-16(b)	\$250.00
Escalator	25-13-16(b)	\$250.00
Private residence incline lifts and elevators	25-13-16(b)	\$250.00
Special purpose personnel elevators and wheelchair lifts	25-13-16(b)	\$250.00

* Two acceptance inspections and the operating permit fees are included in the installation permit fee. Additional inspections are \$260.00 per visit.

<i>Major Alteration Permits * (Per Unit)</i>	<i>Statutory Authority</i>	<i>Amount**</i>
Each alteration – one item as outlined in Section 1200 and 1201 of the Standard	25-13-16(b)	\$250.00
Each additional alteration	25-13-16(b)	\$250.00

* The acceptance inspection fee is included in the major alteration permit fee. The alterations inspection will not change the normal inspection or the operating permit due date.

** Subject to a maximum of \$500.00 per unit.

<i>Operating Permits</i>	<i>Statutory Authority</i>	<i>Amount</i>
One-year	25-13-18(a)	\$100.00
Temporary	25-13-18(a)	\$260.00

<i>Inspection Fees</i>	<i>Statutory Authority</i>	<i>Amount</i>
Inspections by a certified inspector employed by the department (per unit)	25-13-6(d)	\$75.00

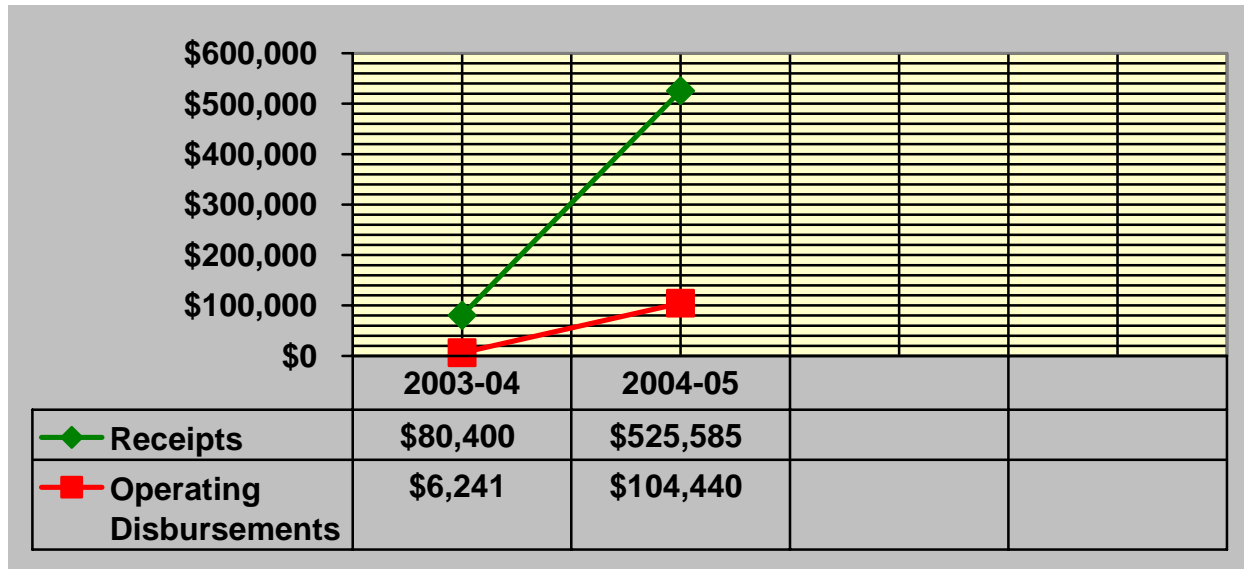
Schedule of Cash Receipts, Disbursements, and Balances

For the Period October 1, 2003 through September 30, 2005

	<u>2004/05</u>	<u>2003/04</u>
<u>Receipts</u>		
License Fees	<u>\$ 525,585.00</u>	<u>\$ 80,400.00</u>
<u>Operating Disbursements</u>		
Personnel Costs	42,943.30	
Employee Benefits	16,306.55	
Travel In-State	983.28	1,447.50
Travel Out-of-State	89.15	
Repairs and Maintenance		
Rentals and Leases	11,992.08	
Utilities and Communications	3,003.87	500.00
Professional Services	16,455.00	655.00
Supplies, Materials, and Operating Expenses	4,290.65	3,488.27
Transportation Equipment Operations	1,619.06	150.00
Transportation Equipment Purchases	5,700.00	
Other Equipment Purchases	1,057.10	
Total Operating Disbursements	<u>104,440.04</u>	<u>6,240.77</u>
Excess (Deficiency) of Receipts over Disbursements	421,144.96	74,159.23
Cash Balance at Beginning of Year	<u>-</u>	<u>-</u>
Cash Balance at End of Year	421,144.96	74,159.23
Unobligated Cash Balance at End of Year	<u>\$ 421,144.96</u>	<u>\$ 74,159.23</u>

Note: The increase in revenues and expenditures in 2005 is due to the success of licensing activity.

Operating Receipts vs. Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to all ten board members. Four responded.

Question #1

What are the most significant issues currently facing the Elevator Safety Review Board and how is the board addressing these issues?

1. "Getting all ten members to attend every meeting. Then, any issue can be debated and worked out. Give the board members a raise."
2. "The most significant issue is inspecting all of the elevators in the state of Alabama."
"The board is having the elevators inspected."
3. "Newly appointed to the Elevator Safety Review Board and have not attended a meeting to date."
4. "More office help." *"Have started asking for help."*

Question #2

What changes to the Elevator Safety Review Board laws are needed?

1. "None that I know of. All laws will be fine-tuned as we go forward."
2. "Some minor changes are needed and the board addresses these problems."
3. "Unknown, at this time."
4. "No comment."

Question #3

Is the Elevator Safety Review Board adequately funded?

3 Yes 0 No 1 No Response

Question #4

Is the Elevator Safety Review Board adequately staffed?

2 Yes 1 No 1 Unknown

1. "Yes. Board yes,/department no."

Question #5

What is the purpose of the board's fiscal year end balance of unobligated funds?

1. "Whatever is legal and Jim Bennett recommends."
2. "Every state board needs money for emergency situations."
3. "Unknown at this time."
4. "To make sure next year is covered."

Elevator Mechanic Questionnaire

Questionnaires were mailed to one hundred registered elevator mechanics. Thirty-two responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

28 Yes 02 No 1 Unknown 1 No Opinion

1. "Yes. There are too many elevators out there that have never been checked by an inspector and not by an elevator mechanic in a long time, in some cases years. Many of these are out-dated and dangerous, not only to the public but also to the people who work on them."

Question #2

Do you think any of the Elevator Safety Review Board laws, rules, and policies are an unnecessary restriction on the practice of your profession?

01 Yes 28 No 2 Unknown 1 No Opinion

1. "No. I think they are too lenient and allow people who do not have enough experience or training to have licenses and in some cases perform inspections."

Question #3

Do you think any of the Elevator Safety Review Board requirements are irrelevant to the competent practice of your profession?

03 Yes 24 No 4 Unknown 1 No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of board positions, policies, rules and laws?

10 Yes 19 No 2 Unknown 1 No Opinion

1. "No. I've never received any information about the board's positions, policies, rules or laws."
2. "No. I have never been contacted about any changes to the board or it's rules and regulations. I would really be interested to know who is on the board and exactly what their qualifications are. My opinion is that the members should be held to the same qualifications as the men who are held responsible on a daily basis for keeping the public safe on these elevators."

Question #5

Has the Elevator Safety Review Board performed your licensing and/or renewal in a timely manner?

27 Yes 02 No 3 No Opinion

1. "No. Renewal."
2. "No. The board has not informed me about when my renewal is due or to whom it is to be sent."

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "There are wheelchair and scooter sales entities that are selling and installing stair chairs, resident elevators, wheelchair lifts, and dumbwaiters that have no license, elevator mechanic cards and/or no elevator contractors' license."
2. "Adherence by owners/users in the proper use of all elevator/escalator equipment. *The Safety Board requires signs, but does nothing to actually police abuse, only when someone is injured.*"
3. "I have no issues."
4. "I believe the biggest issue is making sure that all companies comply with the rules. There may still be a few companies installing without a license and putting in equipment which do not meet code (i.e., water elevator)."
5. "Bending or overlooking state law that requires 3rd party or company inspectors to be QEI and hiring two people for state positions who do not have the proper credentials – QEI – the State Chief & Inspector."
6. "Non-code compliant systems being installed, endangering the public welfare."
7. "Updating all elevators to code."
8. "Having a safe place to work." *"The ESRB rules help that situation, with the glaring exception of industrial site elevators, where safety is most needed."*
9. "All Inspectors and/or inspecting agencies need to be on the same page as to what are the current requirements, recommendations and violations."

10. "Time permitted to bring elevators into compliance and lack of manpower."
11. "Unsafe elevators in the state of Alabama and finding these unsafe elevators and correcting the problems."
12. "All elevators should be inspected, not just passenger elevators."
13. "Need to standardize the way inspectors write up violations as they tend to vary from one inspector to another."
14. "Safety of passengers on existing elevators due to lack of maintenance of the elevator; and residential elevators."
15. "Unlicensed companies and poorly trained mechanics." *"Hear nothing from the board."*
16. "Bring the state of Alabama in line with the rest of North America as it pertains to elevator codes." *"Communication."*
17. "I have heard rumors that some maintenance men (i.e., building maintenance) have received mechanics cards undeservingly. Again I stress the word rumor. However, if this were true, it would compromise all that the state and elevator union has worked for."
18. "I think there are too many unqualified people in this state who do not have the experience or the training to be allowed to have a license that states they have been through a reputable training course, such as NEIEP. As it stands now every maintenance man, janitor, and electrician who claims they have worked on an elevator has a license. This is a terrible injustice to the men who have worked so hard in the past and today to build the reputation we have in the industrial world."
19. "I think the inspectors should observe testing, instead of just checking tags. The quality of inspection in Birmingham has gone down instead of up. Also, having an inspector that is part owner of another elevator company is not a correct practice."
20. "There is a potential conflict of interest in the fact that the owner of the building or installing contractor selects and pays for the inspector. If he is too tough he will go out of business."
21. "Companies not wanting to spend money on their elevators to bring it up to code."
22. "My opinion is that, I install elevators in several different states and I think that all states should practice the same major safety codes."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

20 Yes 04 No 05 Unknown 3 No Opinion

1. "No. The only board member I see on a regular basis has only been on it for a short time and the board has only met once in the eight months that this person has been on it. I do not know what the board's duties are, but it seems to me that they should meet more regularly to make sure that Mr. Pate and the Chief Inspector are keeping them informed of what is going on."

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

 00 Yes 31 No 0 Unknown 1 No Opinion

1. “No. But I have heard of a QEI inspector telling a property management group that if the property managers allowed the elevator company that this inspector is allegedly affiliated with that they would get a break on the cost to correct the violations found.”

Elevator Inspector Questionnaire

Questionnaires were mailed to thirty-three registered elevator inspectors. Fourteen responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

10 Yes 03 No 1 Unknown 0 No Opinion

1. "Yes. Definitely."

Question #2

Do you think any of the Elevator Safety Review Board laws, rules, and policies are an unnecessary restriction on the practice of your profession?

05 Yes 07 No 2 Unknown 0 No Opinion

Question #3

Do you think any of the Elevator Safety Review Board requirements are irrelevant to the competent practice of your profession?

03 Yes 09 No 1 Unknown 1 No Opinion

1. "Yes. Because some people don't have high regard for others and ethics are of concern."

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of board positions, policies, rules and laws?

04 Yes 09 No 1 Unknown 0 No Opinion

1. "No. They never contacted my company."
2. "Yes. As far as I know."

Question #5

Has the Elevator Safety Review Board performed your licensing and/or renewal in a timely manner?

11 Yes 01 No 2 No Opinion

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "The biggest issue is the witnessing of the test on the elevators." *"Pressure test on hydro's and 5 year full load test on tractions."*
2. "My job as an elevator inspector is to enforce the Elevator Code A17.1, A17.2, A17.3 and related codes and to enhance public safety for everyone who rides elevators and escalators." *"I have not been to an Elevator Safety Board meeting and do not know what they are doing related to code issues."*
3. "Identifying existing vertical transportation equipment." *"The ESRB is helping with dual numbering, renaming, etc."*
4. "Getting the public, contractors, developers, owners and architects to understand and accept they are giving protection." *"Review of project and meeting with people involved in elections."*
5. "I don't know what they are doing."
6. "Bringing older equipment into compliance and evaluating alternative means of achieving code intent." *"The staff of the Elevator Safety Review Board has been very responsive to requests for consideration when difficulties arise."*
7. "Too many elevators that have not been inspected. No consistency from one inspector to the next. There needs to be some distinct guidelines for inspectors. What is a violation and what is not? Currently there is no consistency. Also need to have peer review of inspectors by other inspectors." *"Nothing seems to be done to correct this."*
8. "It is impossible to conduct an inspection for a fee of \$75. Also, without a mechanic performing the tests while you witness, there is absolutely no verification they are performed at all, nor will they be done correctly."
9. "Keeping current with code adoptions and interpretations." *"Not currently aware of any programs to keep inspectors current."*
10. "Allowing non-QEI inspectors to inspect elevators." *"Nothing, the state has a non-QEI Inspector."*
11. "Making sure all elevators are inspected. Need to have company and licensed mechanic report all elevators not inspected."
12. "Poor inspections being done by people who are in this for a short time and for only financial gain. Quality is an ongoing problem."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

05 Yes 03 No 04 Unknown 2 No Opinion

1. "No opinion. Lack of direct knowledge."

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

00 Yes 14 No 0 Unknown 0 No Opinion

1. "I would like to have the opportunity to apply for a position on the board. I am currently on the Missouri and Georgia Advisory Boards and would like to participate in the Advisory Board in Alabama."

Elevator Contractor Questionnaire

Questionnaires were mailed to twenty-six registered elevator contractors. Twelve responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

09 Yes 02 No 0 Unknown 1 No Opinion

Question #2

Do you think any of the Elevator Safety Review Board laws, rules, and policies are an unnecessary restriction on the practice of your profession?

03 Yes 08 No 1 Unknown 0 No Opinion

1. "Yes. Stair chair inspections are an added expense difficult for the consumer to absorb, and probably not necessary in a private residence."

Question #3

Do you think any of the Elevator Safety Review Board requirements are irrelevant to the competent practice of your profession?

03 Yes 07 No 2 Unknown 0 No Opinion

1. "Yes. Residential stair chair inspections, if installed by a licensed mechanic."

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of board positions, policies, rules and laws?

03 Yes 07 No 1 Unknown 1 No Opinion

1. "No. They never contacted my company."
2. "Yes. As far as I know."

Question #5

Has the Elevator Safety Review Board performed your licensing and/or renewal in a timely manner?

11 Yes 00 No 1 No Opinion

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. "I do not know what the most significant issues are but by insuring that the people installing are competent and licensed is one step forward."
2. "The most significant issue is the length of time given to bring elevators up to code and the lack of manpower to do the work."
3. "Clarification of standards and changes."
4. "Proprietary equipment and unions." *"Nothing is being done to stop either."*
5. "As a contractor, I would appreciate more info and updates from the ESRB."
6. "Residential elevators. Lack of maintenance on commercial elevators."
7. "Competition without an Alabama Contractor License installing products within the state."
8. "Elevator Safety Review Board is composed of special interests which result in restraint of trade."
9. "Unlicensed elevator companies and incompetent inspectors."
10. "Putting all elevator ownership in compliance with current laws."

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

08 Yes 01 No 03 Unknown 0 No Opinion

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

 01 Yes 11 No 0 Unknown 0 No Opinion

1. “Yes. This is done through a payroll reduction called the work retention fund.”

Limited Elevator Contractor/Limited Elevator Mechanic Questionnaire

Limited Elevator Contractor/Limited Elevator Mechanic Questionnaire

Questionnaires were mailed to seven registered elevator contractors. Two responded.

Question #1

Do you think regulation of your profession by the Elevator Safety Review Board is necessary to protect public welfare?

 01 Yes 01 No 0 Unknown 0 No Opinion

Question #2

Do you think any of the Elevator Safety Review Board laws, rules, and policies are an unnecessary restriction on the practice of your profession?

 02 Yes 00 No 0 Unknown 0 No Opinion

1. "Yes. Cost of fees and permits per unit installed in one house."

Question #3

Do you think any of the Elevator Safety Review Board requirements are irrelevant to the competent practice of your profession?

 01 Yes 01 No 0 Unknown 0 No Opinion

Question #4

Are you adequately informed by the Elevator Safety Review Board of changes to and interpretations of board positions, policies, rules and laws?

 00 Yes 02 No 0 Unknown 0 No Opinion

1. "No. All I was told was to go to the website."

Limited Elevator Contractor/Limited Elevator Mechanic Questionnaire

Question #5

Has the Elevator Safety Review Board performed your licensing and/or renewal in a timely manner?

 00 Yes 02 No 0 No Opinion

1. “No. Our customers for stair lifts are usually coming out of hospitals or injury; they do not have time to wait for permits.”

Question #6

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Elevator Safety Review Board doing to address the issue(s)?

1. “The rise in cost for the physically challenged is our largest problem. Please keep unions and large business out of the private sector. In twelve years we have not had any safety problem with our equipment.”
2. “Customers should not have to pay for two permits if they have two levels. It should be a household permit. Permits are too high for elderly when they have split-level houses. There should not be permit fees; they should be per house fees. The inspection will also cost double. A building permit covers the whole project not per unit or floor as in a non-commercial house.”

Question #7

Do you think the Elevator Safety Review Board and its staff are satisfactorily performing their duties?

 00 Yes 00 No 02 Unknown 0 No Opinion

1. “Unknown. For commercial use elevators they may be necessary. Our equipment, stair lifts and platform lifts meet or exceed national standards.”

Question #8

Has any member of the Elevator Safety Review Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

 01 Yes 01 No 0 Unknown 0 No Opinion

1. “Yes. Customer got a bill for a permit that she already had.”

APPENDICES

Statutory Authority

CHAPTER 13. ELEVATOR SAFETY.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this chapter is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

- 13 Ala. Admin. Code 490-2-1.01 et seq., Department of Labor; Elevator Safety: General Provisions.
- 13 Ala. Admin. Code 490-2-2-.01 et seq., Department of Labor; Elevator Safety: Board Powers and Standards.
- 13 Ala. Admin. Code 490-2-3-.01, Department of Labor; Elevator Safety: Qualifications to be Licensed as an Elevator Mechanic.
- 13 Ala. Admin. Code 490-2-4-.01 et seq., Department of Labor; Elevator Safety: Disciplinary Procedures.

§ 25-13-1. Purpose. Historical Notes

(a) The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this chapter shall by documented training or experience, or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of this chapter. This chapter shall establish the minimum standards for elevator personnel.

(b) The provisions of this chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(c) The design or modification of equipment covered by this chapter shall be prepared by or under the direct control and personal supervision of a licensed professional engineer.
(Act 2003-349, p. 903, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-2. Definitions. Historical Notes References

(a) As used in this chapter, the following terms shall have the following meanings:

- (1) Administrator. The State Commissioner of the Department of Labor or his or her designee.
- (2) ASCE 21. American Society of Civil Engineers Automated People Mover Standards.
- (3) ASME A17.1. The Safety Code for Elevators and Escalators, an American National Standard.
- (4) ASME A17.3. The Safety Code for Existing Elevators and Escalators, an American National Standard.
- (5) ASME A18.1. The Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.
- (6) Automated people mover. An installation as defined as an "automated people mover" in ASCE 21.
- (7) Board. The Elevator Safety Review Board.
- (8) Certificate of operation. A document issued by the administrator that indicates that the conveyance has had the required safety inspection and tests, and fees have been paid as set forth in this chapter.
- (9) Certificate of operation; temporary. A document issued by the administrator which permits the temporary use of a non-complaint conveyance by the general public for a limited time while minor repairs are being completed.
- (10) Conveyance. Any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts, and automated people movers.
- (11) Dormant elevator, dumbwaiter, or escalator. An installation placed out of service as specified in ASME A17.1 and ASME A18.1.
- (12) Elevator. An installation as defined as an "elevator" in ASME A17.1.
- (13) Elevator contractor. Any sole proprietor, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.
- (14) Elevator helper/apprentice. Any person who works under the general direction of a licensed elevator mechanic. A license is not required.
- (15) Elevator inspector. Any person, as defined in ASME QEI as an inspector, who possesses an elevator inspector's license in accordance with the provisions of this chapter.
- (16) Elevator mechanic. Any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.
- (17) Escalator. An installation as defined as an "escalator" in ASME A17.1.
- (18) Existing installation. An installation as defined as an "installation, existing" in ASME A17.1.
- (19) License. A written license, duly issued by the administrator, authorizing a sole proprietor, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining or performing inspections of elevators or related conveyances covered by this chapter.
- (20) License, elevator contractor's. A license which is issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyances covered by this chapter.
- (21) License, elevator mechanic. A license which is issued to a person who has proven his or her qualifications and ability and has been authorized by the board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyances covered by this chapter.
- (22) License, limited elevator mechanic. A license which is issued to a person who has proven his or her qualifications and ability, and has been authorized by the board to work on platform lifts and stairway chairlifts.
- (23) License, inspector. A license which is issued to an ASME QEI certified elevator inspector who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyances covered by this chapter.
- (24) License, limited elevator contractor's. A license which is issued by the administrator, authorizing a sole proprietor, firm, or company who employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, including, but not limited to, private residences.
- (25) Licensee. An elevator mechanic, elevator contractor, or elevator inspector.
- (26) Material alteration. An "alteration" as defined in the referenced standards.

- (27) Moving walk or sidewalk. An installation as defined as a "moving walk" in ASME A17.1.
- (28) Private residence. A separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.
- (29) Repair. A "repair" as defined in the referenced standards and which does not require a permit.
- (30) Temporally dormant elevator, dumbwaiter, or escalator. An installation whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporally dormant status by a licensed elevator inspector. "Temporally dormant" status shall be renewable on an annual basis and shall not exceed a five-year period. The elevator inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.
- (b) All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.
(Act 2003-349, p. 903, § 2; Act 2005-69, p. 97, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Amendment notes:

The 2005 amendment, effective April 19, 2005, in subsection (a) redesignated subdivisions (22)-(29) as subdivisions (23)-(30), respectively, and added subdivision (22).

Code Commissioner's Notes

In 2003, the Code Commissioner, in subdivision (23) of subsection (a) inserted "employs individuals" for "employees individuals" to correct a manifest clerical error and conform the subdivision with the apparent intent of the section.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-1.02, Department of Labor; Elevator Safety: Authority and Definitions.

§ 25-13-3. Applicability. Historical Notes

(a) Unless otherwise provided herein, this chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways:

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings. This equipment includes, but is not limited to, the following:

- a. Elevators.
- b. Platform lifts and stairway chairlifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following:

- a. Escalators.
- b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following:

- a. Dumbwaiters.
- b. Material lifts and dumbwaiters with automatic transfer devices.

(b) This chapter covers the design, construction, operation, inspection, maintenance, alteration, and repair of

automatic guided transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(c) Equipment not covered by this chapter includes, but is not limited to, any of the following:

- (1) Personnel hoists within the scope of ANSI A10.4.
- (2) Material hoists within the scope of ANSI A10.5.
- (3) Manlifts within the scope of ASME A90.1.
- (4) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.
- (5) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI

120.1.

- (6) Conveyors and related equipment within the scope of ASME B20.1.
- (7) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.
- (8) Industrial trucks within the scope of ASME B56.
- (9) Portable equipment, except for portable escalators which are covered by ANSI A17.1.
- (10) Tiering or piling machines used to move materials to and from storage located and operating entirely

within one story.

- (11) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
- (12) Skip or furnace hoists.
- (13) Wharf ramps.
- (14) Railroad car lifts or dumpers.
- (15) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(16) Equipment otherwise covered under this chapter which is located at an industrial facility that is not accessible by the general public and which is used in the construction, operation, or maintenance of the facility.

(d) This chapter shall not apply to any entity engaged in the generation, transmission, or distribution of electric energy or any employee, agent, or contractor thereof when performing work for the utility or other entity described herein.

(e) The providers required to be licensed under Section 34-14C-4, shall be exempt from this chapter. (Act 2003-349, p. 903, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-4. License required. Historical Notes

(a) No person shall erect, construct, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this state unless an elevator mechanic license has been issued, as described herein, and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in the jurisdiction of this state, unless an elevator mechanic license has been issued as described herein and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No other license shall be required for this work. A licensed elevator contractor is not required for removing or dismantling conveyances which are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

(b) No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless an inspector's license has been issued as described herein.

(Act 2003-349, p. 903, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-5. Elevator Safety Review Board -- Created; composition. Historical Notes References

(a) There is hereby created the Elevator Safety Review Board, herein referred to as the "board," consisting of 10 members, one of whom shall be the State Commissioner of the Department of Labor who shall serve as the administrator. The Governor shall appoint the remaining nine members of the board as follows: One representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of a municipality in this state; one representative of a building owner or manager; one representative who is physically handicapped; one licensed professional engineer; and one representative of labor involved in the installation, maintenance, and repair of elevators. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The initial members constituting the board shall serve for terms of three years, excluding the administrator who shall serve continuously. The board members shall serve without salary, but shall receive from the state expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chair, and the chair shall be the deciding vote in the event of a tie vote.

(c) Upon the expiration of the initial terms of office, the terms of office shall be staggered so that three successors shall serve terms of office of one year each; three successors shall serve terms of office of two years each; and three successors shall serve terms of office of three years each. The Governor, by drawing lots, shall determine which successors shall serve one, two, and three-year terms of office. Thereafter, each successor member shall be appointed and serve a term of office of three years. The administrator shall continue to serve continuously. (Act 2003-349, p. 903, § 5; Act 2005-69, p. 97, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Amendment notes:

The 2005 amendment, effective April 19, 2005, in subsection (a) substituted "State Commissioner of the Department of Labor who shall serve as the administrator" for "Elevator Bureau Chief or his or her delegate"; in subsection (b) inserted "initial"; and added subsection (c).

Code Commissioner's Notes

Act 2005-69, § 2 provides: "The existence and functioning of the Elevator Safety Review Board, created and functioning pursuant to Sections 25-13-1 through 25-13-25, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-2-.01, Department of Labor; Elevator Safety: Board Composition and Powers.

§ 25-13-6. Elevator Safety Review Board -- Powers and duties. Historical Notes

(a) The board shall be authorized to consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevators, dumbwaiters, escalators, and the qualifications which are adequate, reasonable, and necessary for an elevator mechanic, contractor, and inspector. Therefore, the board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(b) The board shall establish regulations for the equipment regulated by this chapter. The regulations shall include the Safety Code for Elevators and Escalators, ASME A17.1; the Safety Code for Existing Elevators and Escalators, ASME A17.3; the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QE1-1; and Automated People Mover Standards, ASCE 21. The board shall adopt the latest editions of the standards within six months of their effective date. Any modifications to the standards that the administrator deems necessary shall be justified in writing by the board.

(c) The board shall also have the authority to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and/or local legislation, in cases where such variances would not jeopardize the public safety and welfare. The board shall have the authority to hear appeals, hold hearings, and decide upon such appeal within 30 days of the appeal.

(d) The board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall reflect the actual costs and expenses to conduct the duties as described in this chapter. All fees collected by the administrator pursuant to this chapter shall be remitted to the Elevator Safety Review Board Operational Fund in the State General Fund to the credit of the board for its operation.

(e) The board shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2005, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.
(Act 2003-349, p. 903, § 6; Act 2005-69, p. 97, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Amendment notes:

The 2005 amendment, effective April 19, 2005, in subsection (d) substituted "Elevator Safety Review Board Operational Fund in the State General Fund to the credit of the board for its operation" for "State General Fund to the credit of the Department of Labor".

Code Commissioner's Notes

In 2003, the Code Commissioner in the first sentence of subsection (a) before "elevator mechanic" inserted "an" for "the" for grammatical purposes.

§ 25-13-7. Application for license. Historical Notes References

(a) *Elevator Contractor.* Any sole proprietor, firm, or corporation wishing to engage in the business of elevator, dumbwaiter, escalator, moving sidewalk, or other conveyance installation, alteration, service, replacement, or maintenance within this jurisdiction shall make application for a license with the administrator on a form provided by the administrator.

(b) *Elevator Mechanic.* Any person wishing to engage in installing, altering, repairing, or servicing an elevator, dumbwaiter, escalator, moving sidewalk installation, alteration, service, replacement, or maintenance within the jurisdiction of this state shall make application for a license with the administrator on a form provided by the administrator.

(c) *Inspector.* Any person wishing to engage in the business of elevator, dumbwaiter, escalator, moving walk, or platform or stairway chairlift inspections within the jurisdiction of this state, upon proof of ASME QE1 certification, shall make application for a license with the administrator on a form to be provided by the administrator.

(d) The application for licenses shall contain information for the following provisions:

(1) If a person or sole proprietor, the name, residence address, and business address of the applicant.

(2) If a partnership, the name and residence and business addresses of each partner.

(3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation. If a corporation other than a domestic corporation, the name and address of a local agent who shall be authorized to accept service of process and official notices.

(4) The number of years the applicant has engaged in the business of installing, inspecting, and maintaining or servicing elevators or platform lifts.

- (5) The approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance.
 - (6) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance.
 - (7) Criminal record of convictions, if any, as verified by the Department of Public Safety.
 - (8) Other information as the administrator may require.
- (Act 2003-349, p. 903, § 7.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.01, Department of Labor; Elevator Safety: Qualifications to be Licensed as an Elevator Mechanic.

§ 25-13-8. Qualifications for mechanic license; issuance without examination. Historical Notes References

(a) No license shall be granted to any person who has not proven his or her qualifications and abilities.

Applicants for a mechanic license must demonstrate the following qualifications:

(1) An acceptable combination of documented experience and education credits and not less than three years work experience in the elevator industry in construction, maintenance, and service and repair, as verified by current and previous employers licensed to do business in this state. Satisfactory completion of a written examination administered by the board on the most recent referenced codes and standards.

(2) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a state apprenticeship council.

(b) Any person who furnishes the administrator with acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person shall upon making application for a license and paying the license fee be entitled to receive a license without an examination. The person shall have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment shall be not less than three years immediately prior to September 1, 2003. The person must make application within one year of September 1, 2003.

(c) A license shall be issued to an individual holding a valid license from a state having standards substantially equal to those of this chapter upon application and without examination.

(Act 2003-349, p. 903, § 8.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.01, Department of Labor; Elevator Safety: Qualifications to be Licensed as an Elevator Mechanic.

§ 25-13-9. Qualifications for inspector's license. Historical Notes References

No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the administrator or other officer designated by the board that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.
(Act 2003-349, p. 903, § 9.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.03, Department of Labor; Elevator Safety: Qualifications to be Licensed as an Elevator Inspector or Elevator Inspection Agency.

§ 25-13-10. Requirements for contractor's license. Historical Notes References

No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in this chapter.
(Act 2003-349, p. 903, § 10.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.02, Department of Labor; Elevator Safety: Qualifications to be Licensed as an Elevator Contractor.

§ 25-13-11. Comity. Historical Notes

A license may be issued to a sole proprietor, firm, or corporation holding a valid license from a state having standards substantially equal to those of this chapter, upon application.
(Act 2003-349, p. 903, § 11.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-12. Issuance of license; fees; emergency and temporary elevator mechanic licenses; renewal; continuing education. Historical Notes References

(a) Upon approval of an application, the administrator may issue a license which shall be renewable biennially. The fee for such license and for any renewal thereafter shall be set by the board.

(b) Whenever an emergency exists in the state due to disaster, act of God, or work stoppage and the number of persons in the state holding licenses granted by the administrator is insufficient to cope with the emergency, the licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the administrator within five business days after commencing work requiring a license. The administrator shall issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of 30 days from the date of issuance for particular elevators or geographical areas as the administrator may designate and shall entitle the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. The administrator shall renew an emergency elevator mechanic license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

(c) A licensed elevator contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the administrator issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic license from the administrator and shall pay such fee as the board shall determine. Each such license shall recite that it is valid for 30 days from the date of issuance and while the person is employed by the licensed elevator contractor who certified the individual as qualified. The license shall be renewable as long as the shortage of license holders shall continue.

(d)(1) The renewal of all licenses granted under this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the regulations of the board. The course shall consist of not less than eight hours of instruction and shall be attended and completed within one year immediately preceding any such license renewal.

(2) The course shall be taught by instructors through continuing education providers and may include, but not be limited to, association seminars and labor training programs. The board shall approve the continuing education providers. All instructors shall be approved by the board and exempt from the requirements of the preceding paragraph with regard to application for license renewal provided that the applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for such renewal.

(3) A licensee who is unable to complete the continuing education course required under this section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the board. This shall be on a form provided by the board which shall be signed under the penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee shall submit to the board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. At that time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(4) Approved training providers shall keep uniform records, for a period of 10 years, of attendance of licensees following a format approved by the board, and the records shall be available for inspection by the board. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such

attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.
(Act 2003-349, p. 903, § 12; Act 2005-69, p. 97, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Amendment notes:

The 2005 amendment, effective April 19, 2005, in subsection (a) substituted "biennially" for "biannually".

REFERENCES

ADMINISTRATIVE CODE

- 13 Ala. Admin. Code 490-2-3-.04, Department of Labor; Elevator Safety: Fee Schedule.
- 13 Ala. Admin. Code 490-2-3-.05, Department of Labor; Elevator Safety: Renewal of License.
- 13 Ala. Admin. Code 490-2-3-.06, Department of Labor; Elevator Safety: Emergency Temporary Mechanics License.
- 13 Ala. Admin. Code 490-2-3-.07, Department of Labor; Elevator Safety: Continuing Education.

§ 25-13-13. Suspension, revocation, etc., of license. Historical Notes References

(a) A license issued pursuant to this chapter may be suspended, revoked, or subject to civil penalty by the administrator upon verification that any one or more of the following reasons exist:

- (1) Any false statement as to material matter in the application.
- (2) Fraud, misrepresentation, or bribery in securing a license.
- (3) Failure to notify the administrator and the owner or lessee of an elevator or related mechanism of any condition not in compliance with this chapter.
- (4) Violation of any provisions of this chapter.

(b) No license shall be suspended, revoked, or subject to civil penalty until after a hearing before the administrator upon notice to the licensee of at least 10 days at the last known address appearing on the license, served personally or by registered mail. The notice shall state the date, hour, and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The administrator may suspend or revoke the license or dismiss the proceeding.

(c) Any person, sole proprietor, firm, or corporation whose license is revoked, suspended, or subject to civil penalty may appeal from such determination to the board, which shall, within 30 days thereafter, hold a hearing, of which at least 15 days' written notice shall be given to all interested parties. The board shall, within 30 days after such hearing, issue a decision.

(Act 2003-349, p. 903, § 13.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

§ 25-13-14. Registration of conveyances. Historical Notes

Within six months after the date of the appointment of the board, the owner or lessee of every existing conveyance shall register with the board and the administrator each such elevator, dumbwaiter, platform lift, and escalator, or device described in Section 25-13-1 owned and operated by the owner or lessee, giving the type, rated load and speed, name of manufacturer, its location and the purpose for which it is used, and such additional information as the administrator may require. Elevators, dumbwaiters, platform lifts, escalators, and moving walks, or other conveyances on which construction has begun subsequent to the date of the creation of the board shall be registered at the time they are completed and placed in service.
(Act 2003-349, p. 903, § 14.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-15. Installation, service, maintenance of conveyances. Historical Notes

It shall be the responsibility of individuals, firms, or corporations licensed by this chapter to ensure that installation and/or service and maintenance of elevators and devices described in Section 25-13-1 are performed in compliance with the provisions contained in the state fire prevention and building codes and with generally accepted standards referenced in the code.
(Act 2003-349, p. 903, § 15.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-16. Conveyance permit required. Historical Notes References

(a) No conveyance covered by this chapter shall be erected, constructed, installed, or altered within buildings or structures within this jurisdiction unless a permit has been obtained from the administrator before the work is commenced. Where any material alteration, as defined herein, is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21 for the alteration. No permit required hereunder shall be issued except to a sole proprietor, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed, relocated, or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) The applicable fees shall accompany each permit application.

(Act 2003-349, p. 903, § 16.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.08, Department of Labor; Elevator Safety: Permits.

§ 25-13-17. Revocation of permit; extension of time. Historical Notes References

(a) Permits may be revoked for the following reasons:

(1) Where any false statements or misrepresentations were made as to the material facts in the application, plans, or specifications on which the permit was based.

(2) Where the permit was issued in error and should not have been issued in accordance with this chapter.

(3) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with this chapter or conditions of the permit.

(4) Where the elevator contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

(5) If the work authorized by the permit is not commenced within six months after the date of issuance or within a shorter period of time as the administrator, or his or her authorized representative in his or her discretion, may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for 60 days, or shorter time as the administrator may specify at the time the permit is issued, after the work has been started.

(b) The administrator may allow an extension of time at his or her discretion.

(Act 2003-349, p. 903, §§ 17, 18.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Code Commissioner's Notes

In 2003, the Code Commissioner merged Sections 17 and 18 of Act 2003-349 into Section 25-13-17; included subdivisions (5) and (6) as reasons for revocation under subsection (a); and designated the last sentence as subsection (b). These changes were made to correct an apparent typographical or clerical error, to achieve apparent intent, and to conform to appropriate code hierarchy.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-3-.08, Department of Labor; Elevator Safety: Permits.

§ 25-13-18. Installation by licensee; certification of compliance; certificate of operation; inspection.

Historical Notes

(a) All new conveyance installations shall be performed by a sole proprietor, firm, or corporation to which a

license to install or service conveyances has been issued. Subsequent to installation, the licensed sole proprietor, firm, or corporation must certify compliance with the applicable sections of this chapter. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the administrator. A fee as set forth in this chapter shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first-time registrations for new installations. The certificate of operation fee for newly installed platform lifts and stairway chairlifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) The certificate of operation fee for all new and existing stairway chairlifts for private residences and any renewal fees shall be waived. The administrator, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. The administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including, but not limited to, having the owner contact the administrator in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall only be done at the request and consent of the private residence owner. All penalty provisions of this chapter shall not apply to private residence owners.

(c) A certificate of operation is renewable annually except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of three years. Certificates of operation must be clearly displayed on or in each conveyance.

(Act 2003-349, p. 903, § 19.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-19. Insurance policies. Historical Notes

(a) Elevator contractors shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(b) Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(c) The policies, or duly certified copies thereof, or an appropriate certificate of insurance approved as to form by the administrator shall be delivered to the administrator before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy, at least 10 days' notice shall be given to the administrator.

(Act 2003-349, p. 903, § 20.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-20. Enforcement program; investigation. Historical Notes References

(a) It shall be the duty of the administrator to develop an enforcement program which will ensure compliance with regulations and requirements referenced in this chapter. An enforcement program shall include, but is not limited to, regulations for identification of property locations which are subject to the regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms, or corporations; and assisting in the development of public awareness programs.

(b) Any person may request an investigation into an alleged violation of this chapter by giving notice to the administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, such person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If upon receipt of a notification, the administrator determines that there are reasonable grounds to believe that a violation or danger exists, the administrator shall cause to be made an investigation in accordance with this chapter as soon as practicable to determine if such violation or danger exists. If the administrator determines that there are no reasonable grounds to believe that a violation or danger exists, the administrator shall notify the party in writing of such determination.

(Act 2003-349, p. 903, § 21.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 490-2-4-.01 et seq., Department of Labor; Elevator Safety: Disciplinary Procedures.

§ 25-13-21. Liability under chapter. Historical Notes

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.

(Act 2003-349, p. 903, § 22.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-22. Penalties. Historical Notes

Any owner or lessee who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in an amount not to exceed one thousand five hundred dollars (\$1,500) or be imprisoned for a period not exceeding 30 days or both fined and imprisoned.

(Act 2003-349, p. 903, § 23.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-23. Compliance with chapter. Historical Notes

The provisions of this chapter are not retroactive unless otherwise stated, and equipment shall be required to comply with the applicable code at the date of installation or within the period determined by the board for compliance with ASME A17.3, whichever is more stringent. If upon the inspection of any device covered by this chapter, the equipment is found to be in dangerous condition or there is an immediate hazard to those riding or using the equipment or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the administrator, the administrator shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

(Act 2003-349, p. 903, § 24.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-24. Annual inspections required. Historical Notes

(a) It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance with correcting the violations.

(b) It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, insure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic.

(Act 2003-349, p. 903, § 25.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-25. Relation to other laws, etc. Historical Notes

Whenever a provision in this chapter is found to be inconsistent with any provision of applicable state law, any rule or regulation promulgated thereunder, or any code, the applicable state law shall prevail. This chapter, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in the applicable state law.

(Act 2003-349, p. 903, § 26.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Board Members



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No vacancies at this time.

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